

## **REMARKS**

### **Summary of Claim Status**

Prior to entry of the foregoing amendment, Claims 1 and 37-64 were pending with Claims 1 and 37 being independent claims and the remaining claims being dependent claims. Upon entry of the foregoing amendment, new independent claims 65 and 66 have been added. Therefore, upon entry of the foregoing amendment, Claims 1 and 37-66 are pending in the application with Claims 1, 37, 65 and 66 being independent claims and the remaining claims being dependent claims.

### **Summary of the Office Action**

Claims 1, 37 and 61 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by Kato et al. (U.S. Patent No. 6,016,632).

Claim 37 was also rejected under 35 U.S.C. § 102 as allegedly being anticipated by Owens et al. (U.S. Patent Publication No. 2003-0202110).

### **The Office Action is Defective As There is No Basis For Rejection for Most of The Claims**

Although the Office Action summary indicates that claims 38-60 and 62-64 were also rejected, there is no basis whatsoever provided in the detailed action regarding any of these rejections. While by their nature dependent claims are allowable if the base claim from which they depend is allowable, the converse is not true. The Examiner must provide a basis for the rejection of all claims including dependent claims. Therefore, this Office Action is defective. If all of these claims are not allowed and another Office Action is issued, such an Office Action should be non-final as no basis for rejection has been provided for these claims.

### **Summary of the Kato et al. Reference**

As discussed in the background section of the Kato et al. reference, when converting a motion picture having an aspect ratio of 16:9 (film) to an aspect ratio of 4:3 (television), there is a possibility of a copyright issue in that images that have not been approved by the director may be displayed. The Kato et al. reference discloses a method

in which cut out information is provided under the supervision of the film maker. The Kato et al. reference discloses using telecine to transfer the motion picture film into electronic form so that the motion picture, originally captured on film, can be viewed with standard video equipment, such as a television.

The Kato et al. reference discloses that a sequence of images are transmitted or recorded on a recording medium together with information such as cutting-out position information provided under the supervision of a maker. Col.4, line 47 – col. 5, line 5. The Kato et al. reference does not teach or suggest what makes up the sequence of images. As is best understood, it is inherent that the sequence is the entire motion picture being stored. According to the Kato et al. reference, the cutting-out position information of an image, provided under the supervision of the maker, is recorded on a recording medium together with the image, and, when playing back the image, a cutting-out position is determined based on the recorded cutting-out position information. As is best understood, a single cutting out position is provided and that positional information is applied to each image (frame) of the entire motion picture.

**Summary of the Owens et al. Reference**

The Owens et al. reference discloses a structure that an operator selects video and/or still images of interest. The selected images and/or videos are then displayed in one or more areas on a display.

**All of The Pending Claims Are Patentable Over the Cited References**

The features of Claim 37 include: an image designating unit adapted to designate continuous plural images from an original range of images comprising a plurality of images; a trimming area determination unit adapted to determine trimming areas of at least two images from the continuous plural images designated by the image designating unit; an area determination unit adapted to determine, based on the trimming areas determined by the trimming area determination unit, an area to be cut out of each of remaining continuous plural images designated by the image designating unit, the remaining continuous plural images being other than the at least two images in which trimming areas have been determined by the trimming area determination unit; and a generating unit adapted to cut out the trimming areas determined by the trimming area

determination unit and the area to be cut out determined by the area determination unit, and to generate a range of continuous images.

The Kato et al. reference does not teach or suggest designating continuous plural images from an original range of images. As noted above, this is not taught or suggested and it appears that the cutting out taught in the Kato et al. reference always applies to all of the original images.

Furthermore, the Kato et al. reference does not teach or suggest cutting out images in which cutting-out positions have not been determined by a maker of the image.

The Owens et al. reference also does not teach these features.

In the Owens et al. reference, individual images or videos are selected not a continuous range of images. Also, there is no disclosure that cutting out images will be performed on images not individually selected by an operator.

In other words, neither of the cited references teaches or suggests, *inter alia*, “an image designating unit adapted to designate continuous plural images from an original range of images comprising a plurality of images” and “an area determination unit adapted to determine, based on the trimming areas determined by the trimming area determination unit, an area to be cut out of each of remaining continuous plural images designated by the image designating unit, the remaining continuous plural images being other than the at least two images in which trimming areas have been determined by the trimming area determination unit” as recited in independent Claim 37. Accordingly, neither of the references teaches or suggests “a generating unit adapted to cut out the trimming areas determined by the trimming area determination unit and the area to be cut out determined by the area determination unit, and to generate a range of continuous images” as required by Claim 37.

Thus, neither of the cited and applied references (Kato et al. and Owens et al.) teaches or suggests all of the features of independent Claim 37. Furthermore, the teachings of these references when combined still would not teach or suggest all of the features of Claim 37.

Therefore, independent Claim 37 is believed allowable.

Independent Claim 1 was rejected under 35 U.S.C. § 102 as allegedly being anticipated by Kato et al. (U.S. Patent No. 6,016,632) using the same bases for rejection as Claim 37. Claim 1 is believed allowable for at least the same reasons as Claim 37.

New independent Claims 65 and 66 contain similar features to Claim 37 and are therefore believed allowable for at least the reasons discussed above with reference to Claim 37.

The remaining pending claims are dependent claims. As described above, all of the independent claims (Claims 1, 37, 65 and 66) are believed allowable. As such, the claims depending therefrom are also believed allowable. Because each dependent claim is also deemed to define an additional aspect of the invention, however, individual consideration of each on its own merit is respectfully requested. As noted above, no basis for rejection of the dependent claims (except for Claim 61) was provided in the Office Action.

### **CONCLUSION**

Applicants respectfully submit that all of the claims pending in the application meet the requirements for patentability and respectfully request that the Examiner indicate the allowance of such claims.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

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Should the Examiner have any questions, the Examiner may contact Applicants' representative at the telephone number below.

Respectfully submitted,

October 17, 2007

/Marlene Klein/

Date

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